Supreme Court, U.S.
FILED

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NO.

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1998

CHRISTOPHER R. WOJCIECHOWSKI

Petitioner

V.

MONTEVIDEO PARTNERSHIP et. al.,

Respondents

On Petition For Writ of Certiorari

To The Ninth Circuit Court of Appeals

Docket No. 97-56654 [Related Case Docket No. 97-16195]

PETITION FOR WRIT OF CERTIORARI

MONTEVIDEO PARTNERSHIP, DEBTOR, AKA CANYON OAKS ESTATES, L.P.
TOPANGA OAKS INC. it's GENERAL PARTNER &
DIANE D. MILLER; WILLIAM S. LUND; U.S. TRUST COMPANY
OF AMERICA, S.A., RONALD E. GOTHER, IN THEIR CAPACITY ONLY, AS
EXECUTORS OF THE ESTATE OF SHARON D. LUND, RESPONDENTS

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QUESTION:

This is a Petition for a writ of certiorari to review a pending case in a United States court of appeals, before judgment is entered or in the alternative after mandate issues. The case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination by this Court under 28 USC Sect. 2101(e). This question of imperative importance is four fold;

1. In this situation, the Ninth Circuit Court of Appeals Opinion, expanded the field of parties beyond Appellees, since that Opinion became a perceived benefit to those "new other parties", not in the case otherwise, and lacking joinder, does a federal court of appeals have the inherent power to expand it's Opinion beyond the field of Appellees *ad infinitum*, or is it's jurisdiction limited to those parties only, who hired lawyers and paid fees to appear in court below, in the first instance ?

2. Can such an Opinion be used to interfere with Petitioners substantial due process rights to seek relief under Rule 60(b) Motion from fraud on Bankruptcy Court, filed in Appeal and other relief sought in RICO case, filed during the course of Appeal, where those "new other parties" are Defendants and now all of a sudden they have been somehow been placed above the law by the Appellate Opinion, at issue?

3. Should these new parties be allowed to raise *res judicata* defenses in the RICO case to obtain dismissal, as they have already attempted, before Rehearing En Banc was rejected and are certain to try again before Supreme Court has opportunity to review this important decision, which is in conflict with relevant decisions of this Court and which does not conform to other Circuit decisions?

4. Can the Ninth Circuit Court of Appeals Opinion stand in conflict with relevant important decisions of the Supreme Court on matters of civil contempt, where no violation of any Court Order occurred, and can the Ninth Circuit be allowed to stand liberally interpreting the "no reference" requirement of FRCivP. Rule 65(d), in conflict with other Circuits, who's strict interpretation has been upheld by the Supreme Court?

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JURISDICTIONAL STATEMENT

Questions raised pertain to Ninth Circuit Court of Appeals ("9th Cir. Crt. App.") which; *departed so far from accepted and usual course of judicial proceedings, as to call for an exercise of this Court's supervisory power*, pursuant to, Part III Rule 10(a), Rules of the Supreme Court of the United States. Jurisdiction is found in; 28 USC 1254 for Writ of Certiorari on matters before or after rendition of Judgment. Petitioner has Moved 9th Cir. Crt. App. for a Stay of Mandate, and has asked Chief Judge Procter Hug, Jr. to look into allegations made against Appellate Commissioner, Peter L. Shaw.[1]/

In addition, pursuant to Part III Rule 10(c), the 9th Cir.

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[1]/ Footnote: Peter L. Shaw, Appellate Commissioner at Ninth Circuit had been allegedly a participant, in a pattern of Racketeering Acts with the "new parties" in the expanded field created by Appellate Opinion. The new parties are "Disney Defendants" and "Gother Defendants". Petitioner had alleged Shaw's acts, in conspiracy with those parties, gave rise to RICO Action. Since then, such acts have apparently become a prejudicial factor in the Opinion's ill-concieved remarks, adverse to Petitioner. On 6-11-98, Shaw chose to show his hand by dismissing a Rule 60(b) Motion for Relief, without jurisdiction. Shaw was "caught in the act" and became a named Defendant in the RICO Action. Warned, Shaw retaliated instead of stopping acts of transparent corruption. The function of this Appellate Court, has been compromised. On the merits, the briefing evidence was clear; underlying Bankruptcy Court Order of July 1, 1992 was already void before alleged contempt took place. The Rule 60(b) Motion for Relief, which Shaw wrongfully dismissed, would have vacated that Order. There was no contempt. The Order in question did not comply with FRCiv Rule 65(d) "no reference" requirement, it wasn't even close. The "General Mutual Release" agreement between the parties was signed seven days after the judge signed the Order. Contempt was obviously impossible. The "new parties" got a double benefit from Shaw, when they caused him to dismiss all Motions and the scheduled oral hearing before the Appellate Panel. These same parties manipulated lower court in precisely the same pattern, depriving Petitioner of due process and causing his "de novo" hearing and subsequent Appeal to fail. Also, Shaw obtained an invalid temporary free ticket to ride, "*res judicata*" for them, as well as getting himself off the hook.

Crt. App. *has decided an important question of federal law in a way that it conflicts with relevant decisions of this Court.*

The date of Appellate Panel Memorandum Opinion was 3/31/99. Order Denying the Petition for Rehearing and for Rehearing En Banc was filed 5/1/99. Motion for Stay of Mandate was filed in a timely manner on 5/19/99, in this case and in related case.

STATEMENT OF THE CASE

Introduction: The essence of the matters, laid here before this Court, is deprivation of Petitioners guarantees found in the Seventh and Fourteenth Amendments. Petitioner has been deprived of the following due process:

A. Petitioner suffered actual damages in Property and monies, in the aggregate sum of $ 150,561,839.50.

B. The above damages occurred because Petitioner was deprived of a distribution of partnership assets according to the U.S. Internal Revenue Code and State of California Tax Code.

C. Since then, Petitioner has been deprived of Constitutional due process rights to recover his losses.

D. Such deprivation gave rise to RICO Action, filed on 11-16-98, in U.S. District Court, Northern District of California Case No. CV-98 21139 RMW(EAI).

F. Panicked by effect of RICO's treble damages on their Racketeering activity, Appellees, allegedly enlisted the Appellate Commissioner at the 9th Cir. Crt. App., to cover up their wrong doing, causing additional deprivation of Petitioner's due process rights, and compromising the integrity of that Court.

The language used in Appellate Opinion, in this case and related case, is filled with inappropriate prejudicial statements. It is obvious Appellate Panel was enraged by someone or some thing, committing legal error instead of considering the merits. Petitioner appears as Private Attorney General pro se, pursuant to State of California law, because he cannot find a law firm to represent him against Gibson Dunn & Crutcher ("GD&C"). Petitioner has paid the same filing fees

attorneys are required to pay , he is entitled to equal protection under the law. But, because he is pro se, Appellate Court automatically rejected his pleadings, regardless of merits. In essence, it was a "kangaroo court" which wrote the Opinion. In the face of what was filed by Petitioner in support of his Appeal, that Opinion is an insult to justice (see Appendix, "Exhibit A" list of Pleadings by Petitioner). That pattern has been consistent with the abridgment of Petitioner's property rights, depriving due process in Related Case & throughout the history of these matters.

Petitioner is seeking relief long overdue, from alleged criminal acts of Appellees and opposing attorney's in RICO action. All of which have been virtually, illegally dismissed without due process by Appellate Panel's "expanded field" Opinion. That act constitutes a continuing pattern of obstruction of justice, alleged in RICO action. Illegal results have been achieved through alleged criminal conduct during the course of this Case on Appeal and the same in Related Case. The existance of Supreme Court's supervisory power, under it's Rule 10(a) is Petitioner's only recourse.

Petitioner appears before this Supreme Court of last resort, because he is in want of relief found in Constitutional guarantees. Now such relief can only be provided by this Court.

HISTORICAL BACKGROUND LEADING UP TO BOGUS CONTEMPT

The underlying case in chief at the 9th Cir. Crt. App., is Case No. 97-56654, an extremely closely Related and relevant Case is No.97-16195. Both were decided at the same time. These two Cases stem from bankruptcy fraud, on court and on Petitioner, practiced by attorney's on Central District of California, Bankruptcy Court, Case No. LA 89-27014WL (1989-1992) .

Petitioner owned majority 77.44% General Partnership interests in Montevideo Partnership, a California Limited Partnership. Sharon Disney Lund, ("Sharon"), deceased daughter of the late Walt Disney, was Petitioners only other partner, she

owned the minority Limited Partnership interest of 22.56%. Latham & Watkins ("L&W") represented Petitioner and his affiliated companies as creditors, against Sharon's interest.

At the same time, Sharon was a paid corporate executive and a Corporate Director elected to the Board of Directors of The Walt Disney Co. L&W failed to disclose the fact to Petitioner, that they also represented the Walt Disney Co., at the same time they represented Petitioner against Sharon. During that time, Petitioner paid L&W and their consultants substantial fees in excess of $850,000. At present, litigation for legal malpractice and professional negligence is on going between Petitioner and L&W.

The significance of that undisclosed relationship bears on the fact that when trouble between the two partners escalated to the point the partnership became dysfunctional, L&W failed to proceed, as it was asked, with a dissolution distributing Partnership assets according to partner's percentage ownership proscribed by U.S. Internal Revenue Code and State of California.Tax Code. Instead, the Partnership was dissolved through fraud by U.S. Bankruptcy Court. Petitioner claims losses resulted, directly and proximately, from L&Ws' attorneys undisclosed conflict of interest, and other acts of the Racketeering Enterprise, constituting fraud on Bankruptcy Court, State Court, alleged tax fraud, bribery, wire & mail fraud, and deprivation of rights in violation of Title 42 USC Sect. 1983, by a subdivision of the State of California, in combination with a pattern of acts obstructing justice, prohibited by RICO statutes.

Property and monies contributed by Petitioner, to the Partnership, were taken without due process, without jurisdiction, without distribution of assets, without a trial and without adequate compensation. Assets of Montevideo Partnership, at the time Partnership was made, were valued by an undisputed M.A.I. Appraisal at $110,000,000. Petitioner lost his net share of that value. $110,000,000 - $19,000,000(debts) = $91,000,000 x 77.44% = $70,470,400.

In addition, Petitioner lost his capital investment which

was credited to him in the sum of $20,896,000, in a 1992 K-1, IRS and State of Calif. Franchise Tax return filed by Sharon's accountants (see copy of that tax return attached to Appellants Motion for Rule 60(b) Relief, filed 5-5-98) Petitioner also, lost $9,289,000 in secured notes on Partnership property. Those notes date back to 4/6/86. Petitioner also lost valuable Bankruptcy Claims in the amount of $48,918,439.50. According to the Wall Street Journal Dow Jones Industrial Averages, reported on 3/29/99, Petitioners actual damages in todays present value, are worth in excess of $780,000,000 (See pg. 3 of Appendix to First Amended RICO Complaint). This estimate is made to show the extent of Petitioners damages directly and proximately suffered because of deprivation of due process. Petitioner was supposed to receive $4,250,000 in 1992. That sum was an insufficient compromised amount according to California law.[2/] However that amount was agreed by the parties and Ordered by the Bankruptcy Court. $750,000, was illegally taken at that time, in disobedience of the Court Ordered distribution and it must be returned. That Order is void. because of fraud and that fraud is the subject of the Motion for Rule 60(b) Relief, dismissed by Appellate Commissioner on 6-11-98, and the related Appeal.

These huge losses are also, directly and proximately,

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2 FOOTNOTE: **Calif. law holds; (a) where venturer was induced through fraud to sell his interest at a price far below its real value, his cause of action for fraud was not barred by any provision of the contract. See [Sime v. Malouf (1949) 95 CAL APP 2d 82, 212 P2d 946]; (b) where deception is practiced on Claimant release signed by him must be construed as settlement of those matters only as to which parties minds met, and may not be considered to be in satisfaction of anything not consented to by him, [King v. Assoc. Constr. Corp. (1960 4th Dist.) CAL APP 2d 818, 7 Cal. Reptr. 182]; (c) FRAUD, actions for damages for fraudulent representations in exchange of realty, all waivers exclude fraud not known at the time of agreement, [Ellis v. Jones (1932) 121 CAL APP 325, 8 P2d 933]; [Jordan v. Guerra (1943) 23 Cal 2d 469, 144 P2d 349]; (d) A release does not extend to claims not known or suspected to exist (Civ Code, Sect. 1542), and a mere recital in the release that it covers unknown claims or that Sect. 1542 is waived does not, of itself, bar assertions --- where unknown. [Grebe v. McDaniel (1968, !st Dist.) 265 CAL APP 2d 901, 71 Cal. Rptr. 662].**

attributable to bankruptcy fraud and fraud on court practiced by GD&C attorneys who represented both Sharon and the Debtor Partnership.

GD&C represented Petitioners interest as de facto attorneys, from 7/27/91 to 7/8/92. Alleged fraud practiced by both L&W and GD&C law firms voided all prior agreements including Montevideo Partnership, dismissals with prejudice and the 7/1/92 Court Ordered Settlement (See Footnote 2 above).

Sharon died in February of 1993. It was only after her death, in December of 1995, Petitioner discovered the fact that $750,000, of proceeds distributed to Petitioner by that Court Order, was instead fraudulently paid by Debtor Partnership, with GD&C attorneys approval, to Harry J. Kim of the law firm of Finer Kim & Stearns. That fraud occurred on the day of closing, 7/8/92. In addition, it was discovered Debtor's attorney, John T. Janosik was mistakenly paid $200,000 by Petitioner, instead of by the Debtor Partnership, as agreed in Montevideo Partnership Agreement. Total damages directly & proximately related to fraud on Court, regarding distributed funds to others instead of Petitioner were $950,000 in '92 dollars.

Petitioner filed a law suit to vacate that Order, and to recover his $950,000, his property and his invested capital,his notes and bankruptcy claims, in a timely manner. The action was first filed in Monterey County Superior Court, State of California for reasons of law shown in Footnote 2 above. The action was amended, before it was served, based on FRCiv.P Rule 60(b) Fraud on Court. The suit was immediately removed as an "independent action" to the only Court of proper jurisdiction, the U.S. District Court, Northern District of California, San Jose Division. Trial had been delayed since 12-6-96 by GD&C attorney's obstruction of justice using the "bogus" Contempt Order at issue. With the alleged assistance of the Appellate Commissioner they have used it again at the 9th Cir. Crt. App. and if allowed to continue they will use it in U.S. District Court to avoid prosecution under RICO statutes. To date, there has never been a trial in these matters. It is reasonable to say that a jury trial is long overdue.

HISTORICAL BACKGROUND OF BOGUS CONTEMPT

GD&C attorneys, decided to obstruct justice in early 1996 by soliciting, Executors of the Estate of Sharon D. Lund only in their capacities as such. Diane D. Miller; William S. Lund; U.S. Trust Company of America, S.A.; Ronald E. Gother, also Canyon Oaks Estates, L.P.[the reorganized Debtor, formerly known as Montevideo Partnership] and Topanga Oaks, Inc.[the General Partner of the reorganized Debtor], were the only names that appear on the caption in all papers filed seeking contempt. Beyond this group there is absolutely no one else who has anything at all to do with the Debtors Estate. Anyone other than the above parties are beyond the jurisdictional authority of the Bankruptcy Court's jurisdictional hold over "core matters." The "Disney Defendants" and the "Gother Defendants" cited in Appellate Opinion, are not entitled to benefit in any legal way from that erroneous Opinion.

Briefing on Appeal indicates the contempt attempt was totally without merit. There were no injunctive prohibitions of any kind within the four corners of the Order. As a matter of fact, the General Mutual Release was another document, signed by the parties on 7/8/92, eight days after the Court Order was signed by the judge. It was simply not possible to find contempt under FRCivP 65(d). It was never the intent of the parties at the time of the settlement to be restricted by injunctive language. There was no notice of any sort about an injunctive proceeding. The Supreme Court has held and other Circuits have held strict compliance to Rule 65(d) requirement that Court Order cannot refer to some other document outside it's four corners. Everywhere else, except in the 9th Cir. Crt. App., Rule 65(d) requirements, are dispositive of a "Contempt" controversy. The 9th Cir. Crt. App. decision is out of sync and in conflict with important relevant decisions of this Court. If allowed to stand this Appellate Opinion makes every breach of contract between any parties an excuse to find contempt. Obviously, that was not the will of U.S. Congress, when it fashioned Rule 65(d).

Another factor was that GD&C attorneys, after their client's death, "ginned up" the fraudulent attempt at contempt only to intimidate Petitioner from testifying as a witness in a Mandamus action brought in Los Angeles County Superior Court. That action was brought by a not for profit, third party; "Taxpayers United - -", and an individual, Joan Cooper. Their suit was to halt a sale allegedly in violation of "The Brown Act" and misallocation of State of California Prop. A's. tax payer's money. They asked Petitioner to be a witness, Petitioner agreed. But, under extortionate threats, he was forced to withdraw documentary evidence and testimony from that action. GD&C violated RICO statutes by threatening a material witness, first with fraudulent criminal contempt, then with bogus civil contempt. This entire effort was a malicious and premeditated obstruction of justice, lasting over three years which was literally an invasion of Petitioner's Constitutional rights.[3/]

During the process of the two Appeals, in fall of 1997 and in the related legal malpractice action in state court, CRW v. L&W, newly discovered evidence came to light. A production of documents obtained from L&W, including official records of the; Federal Securities and Exchange Commission; the Secretary of

3/ FOOTNOTE: **Supreme Court's directives prohibit invasion of Appellants Constitutional Rights, once shown, no further showing of irreparable harm is required. Appellees clearly took away Appellants Constitutional rights by their three year attempt at bogus contempt. Appellees actions deprived Appellant of both Constitutional rights and an important aspect of his personal identity. The 9th. Cir. determined money damages are inadequate in either case.[Guiterez v. Muni.Ct. (9th Cir. 1988) 838 F2d 1031, 1045]. Appellant suggests that the only damages that are adequate is to have this Court make Appellant whole by reversing Panel's Opinion, allowing Related Case to proceed to a jury trial consolidated with RICO Case and that Relief sought in Appellant's Motion for Rule 60(b) be granted now. In addition, deprivation of a unique product and contract took place, with the inherent destruction of Appellant's business and the loss of prospective good will. See [Reuters Ltd. V. United Press Int'l,Inc. (2nd Cir. 1990) 903 F2d 904, 908-909]; [Starlight Sugar, Inc. v. Soto (1st Cir. 1997) 114 F3d 330, 332]; [Petereit v. S.B. Thomas, Inc. (2nd Cir. 1995) 63 F3d 1169, 1186]; [Pascall v. Kansas City Star Co. (WD MO 1997) 441 F. Supp. 349,358]; [Tom Doherty Associates v. Saban Entertainment, Inc. (2nd Cir. 1995) 60 F3d 27,37-38].**

State of the State of California; and a Chapter 7 U.S. Trustee's records; all showed clear and convincing evidence, beyond a reasonable doubt, that GD&C attorneys in fact, made multiple public filings and other legal appearances on behalf of the Montevideo Partnership, at the same time Petitioner was it's 77.44% partner. The evidence described above is on file in the 9th Cir. Crt. App. as Exhibits attached to "Appellants Emergency Motion to Disqualify Opposing Counsel". The Debtors' attorney, John T. Janosik, is on record testifying under penalty of perjury in a declaration in Support of Petitioners position to the fact, that GD&C were de facto attorneys for Petitioner for nearly a year, at that critical time, when GD&C acting in conflict of interest willfully deprived Petitioner of his Constitutional rights to independent counsel, contributing directly and proximately to his losses.

This portion of the case is very similar to the bankruptcy fraud found against John Gellene, in March of 1998, in 7th Cir.'s Milwaukee District. Gellene was a former partner in the law firm of Milbank, Tweed, Hadley and Mc Cloy. Gellene failed to disclose a potentially serious conflict of interest in a bankruptcy case. Bennett L. Silverman, Charles S. Battles, Jr. and Jane L. Wingfield, lawyers at GD&C, failed to disclose a much worse and more serious conflict of interest in the underlying case here. John F. (Jack) Walker at L&W also failed to disclose a much worse conflict, worse and much more serious than even GD&C's conflict of interest. Walker was working for the Walt Disney Co., obviously a much more preferred client than was Petitioner. Walker sold Petitioner down the river to help Sharon literally "steal Petitioner blind". Gellene was convicted on three counts of felony, misleading the U.S. Bankruptcy Court in Milwaukee. His conviction stemmed from simultaneous representation of Bucyrus International Inc., the Debtor and it's Creditor, Mikael Salovara. Of critical importance in the Gellene case was the vigilant assistant U.S. Trustee John Byrnes, who is said to have been offended by what he termed "bald face" lying by Gellene to the Court. Milbank abandoned Gellene to save it's firms own neck, by pinning responsibility on Gellene.

We have more here, we have Racketeering activity and it is similar to the manipulation of the Bankruptcy Court in the 8th. Cir., paralleling Handeem v. Lemaire.[4] The Racketeering activity was and is similar to that first enunciated in Supreme Court's earliest RICO decision United States v. Turkett in 1981. Now, GD&C attorneys will escape responsibility as the designated "Gother Defendant's" all because of an alleged corrupt Appellate Commissioner in the 9th Cir., unless this Court exercises it's power under Rule 11 and it's supervisory powers under Rule 10. (See Plaintiff's Closing Arguments for Scheduled Motions filed 3-21-97 AER Vol. IV, in related Appeal at 002134)

Petitioner made three "key Motions" to the 9th. Cir. Crt. App: (1.) Emergency Motion to Disqualify GD&C

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4 FOOTNOTE: The exposure of lawyers and law firms to Racketeering Claims; The misuse of the Judicial System has been recently proven in Eighth Circuit's decision in [Handeem v. Lemaire, 112, F.3d 1339 (8th. Cir. 1997)]. This case was first published after the Appeal was filed. Appellant requested rehearing of this and Related Case. Court should have considered lawyers are not immune in any way from potential Racketeering liability and the Eighth Circuit's decision, vividly illustrates this. To the extent *Handeem* is similar to this case, lawyers manipulated a bankruptcy court causing fraud and conducting the affairs of an enterprise - specifically, the bankruptcy estate, through a pattern of racketeering activity. The claim essentially stressed an illegal manipulation of the judicial system, as alleged here. The importance of the *Handeem* decision is two fold and applies to the acts of GD&C alleged in Related Case. In the words of the Eighth Circuit in *Handeem*, *"be mistaken for an absolute edict that an attorney who associates with an enterprise can never be liable under RICO. An attorney's license is not an invitation to engage in racketeering, and a lawyer no less than anyone else is bound by general applicable enactments. Neither Reves nor RICO itself exempts professionals, as a class, from the law's proscriptions, and the fact that a defendant has the good fortune to possess the title 'attorney at law' is, standing alone, completely irrelevant to the analysis dictated by the Supreme Court [in Reves]"*. Significantly, the *Handeem* decision found that a bankruptcy estate was a " legal entity" that "would have endured even if the slate were wiped clean of the underlying racketeering activity." The overarching framework for the *Handeem* allegations was the rule, first enunciated by the Supreme Court in it's earliest RICO decision, [United States v. Turkette, 452 U.S. 576,583, 101 S.Crt. 2524,2529, 69 L. Ed. 2d 246 (1981)].

immediately, for reasons stated above; (2.) Motion for Rule 60(b) Relief to enforce the 1992 Court Ordered distribution of the $950,000 and (3.) Motion to Strike Appellees Answering Brief and accompanying Request for Judicial Notice, for lack of signature and prejudicial false pleadings.

Corrupted, the Appellate Commissioner, at 9th. Circuit, Peter L. Shaw, decided to overreach his authority and dismissed Petitioner's Motions. It is evident that dismissal happened only because GD&C was not disqualified. Artificially kept in place, they were able to continually corrupt the Commissioner and because pro se litigants are discriminated and disdained as some sort of lower life form, by Court's staff generally, GD&C got away with it.

The effect was a malicious, unlawful taking of Petitioners property and invested capital, without paying full market value. This scam was accomplished, in conspiracy with others, in violation of Racketeer Influenced and Corrupt Organizations Act (RICO), 18 USC Sect's. 1961 et. seq. The scam included other out of state individuals and foreign nationals who's representatives are charged with wire and mail fraud. (See Declaration of Debtor's Counsel John T. Janosik filed 6-28-96 in the underlying Bankruptcy case at 000401 Vol. II of AER in this Case). It also involves an alleged, bribed Los Angeles County Supervisor. Petitioner's Briefs on Appeal and the First Amended RICO Complaint contain detailed pleadings in that regard.

Petitioner had also moved the 9th Cir. Crt. App. to require that an U.S. Attorney, direct a federal grand jury investigation of these alleged crimes. The Appellate Commissioner apparently, buried and ignored that request, in violation of Title 18 USC Sect. 1503, 1510 & 1513.

In addition, court records show, Bankruptcy Judge, William Lasarow (retired), was corrupted in fraud on Court by the same GD&C attorney's (Wingfield, Battles & Silverman) during the time he presided over the bankruptcy case(See hearing transcript of 4-2-92 in underlying Bankruptcy case). On 4/2/92, Lasarow confirmed a "Letter of Intent", which had expired on it's own terms, and was no longer in effect. When it

was effective it was an attempt at a "global settlement" of differences between Sharon & Petitioner. However, no definitive agreement was reached by the specified date, permitting litigation to continue. The Letter of Intent terminated on 1-15-92. Knowing that fact, Lasarow admittedly without jurisdiction, dissolved that partnership by mistake and by corruption of GD&C's attorney's. There were no partners left, Sharon held 100% after Lasarow finished. Lasarow, abrogated Petitioner's rights to due process guaranteed by the Fourteenth Amendment. Petitioner was entitled to dissolve a Calif. Limited Partnership in the Court of proper jurisdiction, a State Court where assets are distributed, just like a divorce decree distributes assets of married couple.[5/]

Petitioner's Writ includes request of this Court to direct 9th Cir. Crt. App. to require an investigation, or in the

5/ FOOTNOTE: The Court Order was based on an expired "Letter of Intent" (See AER Vol. I Related Appeal at 000309 specifically para. (d) at 000313) with a termination clause of 1-15-92. The parties agreed to that provision, which allows for resumption of litigation after that date. Appellant, this Court and Bankruptcy Court was bound by that agreement between the parties. No settlement was reached by 1-15-92. Litigation was permitted, not prohibited. See First Amended RICO Complaint, Fifth Cause of Action.;" ***Lund and Claimants agree to put a hold on all litigation matters pending execution of the definitive agreement to include the taking of depositions, the production of documents, etc., but if no agreement has been reached by January 15, 1992, litigation matters may proceed by both parties.***" That is a permissive agreement upon which contempt sought is impossible. The agreement between the parties continues para. C (1) at 000313;"***C. condition to closing - 1. execution and delivery by all parties of a definitive agreement in form acceptable to Lund and claimants, on or before January 15, 1992.***" Such an event did not occur. " ***C. (5) time is of the essence of this agreement.***" After the date certain, 1/ 15/92, there was no agreement except for part A at 000309. After that date the sole function of the "Letter of Intent" was to compensate Petitioner $150,000 for delivering to COE certain documents, which were owned by Petitioner. That was accomplished and the consideration was paid. Beyond that there was no agreement to enforce. The 7/1/92 Order upon which assertions of contempt are made was a fraud and it was void. (see Para. 102 - 111 starting on pg. 32 of First Amended RICO Complaint attached to Appellants Petition for Rehearing filed 4-13-99.

alternative, to have the United States Supreme Court do so under it's inherent power. The purpose of which is to investigate abuses by a group of attorneys who's sizable income is partially derived and continues to be, derived from abrogating Petitioners Constitutional guarantees, intimidation, retaliation coupled with threats of criminal punishment, extortionate behavior, perjury, subornation of perjury, and corruption of federal and State Courts.[6/] What has transpired is more than common law fraud. The Appellate Court should have addressed the merits of this Case and the Related Case. A Court Officer allegedly perpetrated fraud affecting ability of Appellate Court to impartially judge case about fraud on lower court's. There is

6 / FOOTNOTE: FRCP Rule 60(b) was designed to address mistakes attributable to special circumstances, and not merely to erroneous applications of law. The Court of Appeal, Cudahay Cir., held that:(1) District court should have treated motion as motion to alter or amend judgment rather than as motion for relief from judgment, & (2) District court should have addressed merits of argument. [Russell v. Delco Remy (1995,CA7 Ind) 51 F3d 746,67 BNA FEP Cas 673,66 CCH EPD 43512]; Since language of FRCP 60 is unambiguous, judicial inquiry should be complete. Also; although fraud on court is not only permissible basis for independent action, fraud cognizable to maintain untimely independent attack upon valid and final judgment requires more than common law fraud. See [Geo. P. Reinties Co. v. Riley Stoker Corp. (1995,DC Mass) 161 FRD2]; For purposes of FRCP 60(b) provisions that judgment may be set aside for fraud upon court, one species of fraud upon court occurs when officer of court perpetrates fraud affecting ability of court or jury to impartially judge case. [Pumphrey v. K.W. Thompson Toll Co. (1995,CA9 Idaho) 62 F3d 1128,95 CDOS 5998,95 Daily Journal DAR 10301]; Judgment is void, and therefore, subject to relief under FRCP 60(b)(4), only if court lacked jurisdiction or if court's action amounts to plain usurpation of power constituting violation of due process [Hoult v. Hoult (1995, CA1 Mass) 57 F3d 1,41 Fed Rules Evid Serv 783].There is no time limit on attack on judgment as void; one-year limit applicable to some Rule 60(b) motions is expressly inapplicable to Rule 60(b)(4) motion, and even requirement that motion be made within reasonable time cannot be enforced with regard to this class of motion. [Briley v. Hidalgo (1993, CA 5 La) 981 F3d 246];FRCP 60(b)(4)], which provides relief from judgments, is not subject to any time limitation. [Hall v. Commissioner (1994,CA10) 30 F3d 1304,CCH Unemployment Ins Rep 14044B, 94-2 USTC 50392,94 TNT 145-21]; [New York Life Ins. Co. v. Brown (1996, CA5 La) 84 F3d 137].

no time limit to attack such judgments, made at the Court of Appeals, in District Court and Bankruptcy Court but, the time is now for the Supreme Court to curtail such acts. If there was a procedure similar to 60(b) to review fraud on courts of appeal, Petitioner would have asked the Supreme Court to apply it.

ARGUMENT

Petitioner was reluctant to proceed with Rule 20, Petition for an Extraordinary Writ pursuant to 28 USCS 1651 (a). In the event, however, this Court, after review of the matters presented above and in the following arguments, considers that exceptional circumstances presented here warrant an Extraordinary Writ, because adequate relief cannot be obtained in any other form, from any other court, Petitioner will be pleased, should this Court proceed pursuant to Rule 20.

All question presented fall within the jurisdiction of this Court's review for Writ of Certiorari because questions raised pertains to 9th Cir. Crt. App. which, has; *"departed so far from accepted and usual course of judicial proceedings - - - as to call for an exercise of this Court's supervisory power"*. Jurisdiction is mandated, pursuant to Part III Rule 10(a)(c), Rules of Supreme Court of the United States, (Effective 5-1-98).

ARGUMENT AS TO FIRST PART OF QUESTION;

The Seventh and Fourteenth Amendments; FRCivP. Rule's 60(b) and 65(d); and going back to: United States v. Throckmorton (1878) 98 U.S. 61, a hundred and twenty one year old Supreme Court case, all hold the answer to this and the other questions posed. Throckmorton, shockingly parallels the fraud shown in Petitioner's RICO case now before the U.S. District Court. The Appellate Opinion at issue here, has given these "new parties" Defendants, a free "pass through" enabling them to avoid RICO prosecution, *res judicata*. That fact is no coincidence, it can hardly be politely called abuse of discretion, it is, in fact, premeditated fraud facilitated by a United States

Court of Appeals Commissioner. That is the tragedy of this incident. An elite firm of lawyers, has the power to subvert the United States Constitution, and the law of this land. while the 9th Cir. Crt. App. looks the other way trashing the Doctrine of equal protection under the law.

Throckmorton, has vigilantly held through more than half of the history of the United States of America. It's unscathed survival demonstrates fraud is just that, and will always be recognized as such. The Supreme Court is bound by Throckmorton, It was an Appeal from the Circuit Court of the United States for the District of California (predecessor to the 9th Cir. Crt. App.). Throckmorton, with the cases reviewed in Footnote 6, is dispositive of this Case and Related Case on Appeal. Throckmorton still says to all who can hear it's beckoning call, wrongdoing is; *"a jaded adversary"*, GD&C and Defendant's misrepresentations caused Petitioner to suffer loss of multi-million dollar investment and property. He was made to suffer for over seven years, abusing his rights to a jury trial, Throckmorton says to this Court and to all who will hear it's profound message:

> *"In the opinion of the court below, (now known as the 9th Cir.) it is said; 'That the alleged frauds are not such extrinsic collateral acts as would justify the interference of equity with the decrees of confirmation;' and the court mentions what it understands by such extrinsic collateral acts, to wit: 'Keeping the adversary witness from court; secreting or purloining his testimony;' or, if the citation to him be given under such circumstances as to defeat it's purpose, the court says: 'Any conduct of that kind mentioned would tend to prevent a fair trial on the merits, and thus to deprive the innocent party of his rights'. So, if a judge sit, when disqualfied from interest or consanguinity; if the litigation be collusive; if the parties be fictitious; if real parties affected are falsely stated to be before the court; the judgment*

recovered may be set aside, or its enforcement restrained," etc.

"The question is: do no other fraudulent acts than such as are here enumerated justify a court of equity in setting aside a judgment or restraining its execution? We respectfully submit that the court below, in this respect restricted the list of such fraudulent acts within too narrow limits, and it only illustrates the danger of attempting to define fraud. It may assume a thousand different shapes, and may be presented in as many different ways."

Story, Eq. Jur., sec.186.

"LORD HARDWICKE said, in 1859: " Fraud is infinite, and were courts of equity once to lay down rules how far they would go and no further, in extending their relief against it, or to define strictly the species or evidence of it, the jurisdiction would be cramped and perpetually eluded by new schemes which the fertility of man's invention would contrive."

Parke, Hist. Ch., p. 508.

"Pothier says that the term 'fraud' is applied to every artifice made use of by one person for the purpose of deceiving another.

Labeo defines fraud to be any cunning deception or artifice used to circumvent or deceive another."

"The law is a practical science, and courts are instituted and designed for practical uses."

"There can be no practical difference, whether a party be defrauded out of a judgment by the collusion

of his attorney, by having his testimony stolen, or wit nesses kept from court, or whether by any other device artifice or fraudulent scheme of the opposite party or attorney, which ordinary prudence and foresight could not guard against, he is prevented from presenting his cause or defense and is, therefore tricked out of a judgment."

What Throckmorton says, is exactly what has gone on here and what had been going on for years in these matters. In essence, Petitioner has been tricked out of a fair and equitable judgment by GD&C attorneys, who have continually prevented every one of Petitioner's attempts at recovery, every appearance in court, including a scheduled oral hearing on this Appeal, canceled at the last minute by the Appellate Commissioner. They are afraid, deathly afraid to face their responsibility in front a jury. Instead, they choose to obstruct justice through manipulations of the courts, killing the Constitution and the rule of law. That is the Racketeering pattern alleged in RICO Complaint. As the Supreme Court is painfully aware, the law has been consistent from the time of Throckmorton to the present, on this issue of fraud.

Two recent cases at the 9th Cir. Crt. App., that are on point were decided last November. Petitioner raised these two applicable cases in a timely manner on Appeal and requested oral argument and/or additional briefing prior to the determination of the Appellate Panel. That request was maliciously ignored, by the Appellate Commissioner.

The Court's Opinion overlooked those two recent cases it just decided, which are on point. One is a Rule 60 (b)(5) Case, the other case is equally applicable as it reinforces the distribution of appreciated property at the time of dissolution of a partnership and/or corporation, under 26 USC Sect. 311(b)(1)(2)(3), which was in effect since 1985. The Supreme Court has been clear on these two points through the time in question. The underlying issue in the bankruptcy case is the fact that fraud on Court was committed by attorney's to avoid U.S.

Income Taxes and State of California Franchise Taxes for their client, Debtor Partnership and it's sole owner, Sharon. 7/

Petitioner, was informed of the existance of the Tax Court Case No. 530-93, 9th. Cir. Docket No. 97-71359 known as Pope & Talbot, Inc. v. Commissioner of Internal Revenue. Petitioner filed a timely Motion to file Supplemental Brief based on post Briefing Developments according to FRAP 28(j), Cir. Rule 34-3(5), 28 USC Sect. 1657.

"Pope & Talbot" was decided on 11/4/98, by Appellate Court before John T. Noonan, David R. Thompson and Steven S. Trott, Circuit Judges. Their decision under 26 USC Sect. 311(d)(1) determined :

> *"the gain Pope & Talbot was required to recognize partnership interests to Pope & Talbot shareholders. The*

7/ FOOTNOTE: (A) The gain on the distribution of appreciated property under 26 USC Sect. 311(b)(1)(2)(3) is to be determined as if the distributed property had been sold at the time of distribution; [Pope & Talbot, Inc. v. Commissioner of Internal Revenue (9th. Cir.1999) Daily Journal D.A.R. 214]. This law was in effect since 1985, Lasarow & GD&C's tax department headed by Ronald E. Gother knew about this law, but decided to violate it, defrauding the American taxpayer's in the 1992 Order in question and in the Montevideo Partnership tax return attached as Exhibit A to Appellant's Motion, of 5-5-98 in Related Case, for Rule 60 (b) Relief & Original RICO Complaint (See summarized in Appendix, Fifth Cause of Action, 1st. Amended RICO Complaint ; Also, Partnership is recognized as a entity separate from partners in Bankruptcy proceedings, but not in Income Taxation, See [Jennings v. C.I.R. (C.C.A. Tex 1940) 110 F2d 945, Cert. Deny. 61 S.Ct. 169 311 U.S. 704, 85 L.Ed. 457], Lasarow, a Bankruptcy Judge without jurisdiction or knowledge of tax law, was obviously incompetent to preside over a partnership dissolution, therefore his 1992 Order, in question was void and has no effect. (B) In the other recent case, 9th. Cir. held: *"A party may seek equitable relief from injunction even though underlying final judgment is related to contract action."* [Bellevue Manor Associates et.al. v. United States Dept. of HUD, No 98-35148 (9th. Cir. 1999) Daily Journal D.A.R. 630]. This Court held that; "it was appropriate to Apply Rule 60(b)(5) to vacate not only the injunction but also the declaratory judgment in this case because, as evidenced by the injunction directly enforcing it, this declaratory judgment has prospective effect (See 12 Moore's S60.47[1][d], at 60-158). The Panel has failed to conform to existing cases on point, as shown in Footnote 1&3. Panel's Opinion is plain legal error & must be reversed.

Tax Court calculated the fair market value of the distributed property by determining what a willing buyer would have paid a willing seller in a hypothetical sale of the property on the date of distribution. This Court affirmed Tax Court's decision that the gain on distribution of appreciated property under 26 USC Sect. 311 (d)(1) is to be determined as if the distributed property had been sold by the corporation at the time of distribution. The Tax Court's valuation of the distributed property was also affirmed."

Soon after Petitioner became aware of the above decision, he filed a RICO Complaint against Defendants. After one set of Motions for dismissal, U.S. District Court Judge, Hon. Ronald M. Whyte, allowed Petitioner to amend the RICO Complaint, wherein he named. Respondents/Appellees here.

In his Motion, Petitioner, on pages 3-9 of "Exhibit X", attached thereto, applied the matters resolved by "Pope & Talbot" and tied result to matters on Appeal and in the RICO Complaint. Petitioner requested 9th Cir. Crt. App. to Expedite Relief in determining issues on Appeal in conformance with it's ruling in "Pope & Talbot" and "Bellevue Manor" and for certification of Court's decision in "Pope & Talbot" and "Bellevue Manor" as the law of this Case on Appeal and the Related Case. Petitioner's Appeals were fully briefed, awaiting calendaring for oral argument. As a result, Petitioner wanted to make certain Appellate Panel assigned to hear oral argument, was fully aware of the impact "Pope & Talbot" and "Bellevue Manor" had on the outcome of these Appeals. Apparently, again, the Appellate Commissioner intervened, destroying Petitioners rights of due process to seek "Substantial Justice" in Court of Appeals.

Petitioner, believed both decisions, shown in Footnote 7 created a new dynamic in allegations against tort-feasors in matters briefed on both Appeals and sustained the allegations in RICO Complaint. It is clearly shown, in Motion for Rule 60(b) Relief, filed 5/5/98, in 9th Cir. Crt. App., that tax evasion by Appellees/Respondents took place. Proof of tax evasion was

shown in "Exhibit A" to Rule 60(b) Motion and it was also in "Exhibit A" in the original RICO Complaint. The Racketeering Enterprise managed and controlled by GD&C attorneys, cheated Petitioner out of the $20,896,000 plus, falsely reported in "Exhibit A" as a loss. That was Petitioner's invested Capital, which he invested in the Debtor Partnership.. Petitioner was a Creditor, the Bankruptcy Court handed a Creditor's $20,896,000 investment to the Debtor. That is an unheard of feat in the annals of Bankruptcy Court. It is called "Bankruptcy Fraud" and resulted in tax evasion. The Constitution provides that such a dispute justifies a jury trial. Both Cases on Appeal are about full recovery of what was illegally taken from Petitioner, in want of a jury trial since 1992. Isn't it high time for such a RICO trial to take place?

ARGUMENT AS TO SECOND PART OF QUESTION;

The "new other parties" are the lawyers who solicited Appellees to file the "Contempt Attempt", at issue. These lawyers were not the parties who sought contempt on their own behalf. "Gother Defendants" is Petitioner's abbreviation for the Gibson Dunn & Crutcher law firm, including those lawyers identified as named Defendants in the related case on Appeal. These same lawyers are also named Defendants in the pending RICO case.

It may be confusing to some people, but the fact is; reversible legal error was made in the 9th Cir. Crt. App. Opinion when they included, by mistake, the law firm who represented the parties in the "Contempt Attempt". The lawyers are not entitled to any benefits from Order which they manipulated with the help of the Appellate Commissioner.

These same lawyers were named Defendants in RICO case , because they are the ones who maintain a steady ten year pattern of manipulating courts through a Machiavellian deprivation of Petitioner's due process rights. Throughout this ten year period they claimed that "procedural due process" is an adequate litigation technique to take/steal Petitioner's property

and money as shown above. Their latest such foray was through the the 9th Cir. Crt. App. Their concept is dead wrong. Petitioner's substantial rights to a jury trial override all procedural due process rights. (See citations re: USA Recycling, Inc. and Dept. of Trans. on page 27.)

Throughout this ten year morass of procedural manipulations, GD&C's avowed goal was to keep Petitioner away from the Courthouse, hold no hearings, have no trials, and above all do whatever it takes to have, no jury trial. GD&C recently provided Petitioner with a file cabinet full of so called litigation, listing the morass Petitioner had to go through without a jury trial and without due process.

This question is before the Supreme Court because GD&C decided to somehow attach themselves to Appellees coattails, so that GD&C lawyers could benefit from Appellate Opinion. Apparently it was an anticipated "fix", allegedly facilitated by Appellate Commissioner. GD&C, if allowed, will go "scot-free": without facing a jury trial and resulting responsibility for the alleged criminal activity. That apparently was their maliciously premeditated plan from the beginning. Such a pattern of acts is a violation of RICO statutes which prohibit fraud. including fraud on Court, in violation of a combination of Title 18 Section's; 1503, & 1961 et.seq. with violations of FrCivP. Rule 60(b) (see Footnote 4, pg. 10 above).

ARGUMENT AS TO THIRD PART OF QUESTION;

Res Judicata; in Black's law Dictionary is defined;

> *"a matter adjudged; a thing judiciary acted upon or decided; a thing or matter settled by judgment."*
>
> *" Rule that a final judgment rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties, and, as to them, constitutes an absolute bar to a subsequent action involving the same claim, demand or cause of action. - - - - ."*

Unfortunately for all concerned, nothing has been finally "adjudged", not since the Montevideo Partnership Agreement was signed on 5/22/87. After twelve years of abuse of Procedural Due Process by GD&C attorney's here we are at the United States Supreme Court. That agreement was signed by Petitioner's partner Sharon without the required disclosure of hidden facts surrounding her family's $100,000,000 gift to the Los Angeles County Board of Supervisors. In addition there are alleged monetary bribes prohibited by RICO in violation of Title 18 USC Sect. 1961 et.seq. Petitioner's RICO action alleges her criminal intent, and that of her tax lawyer Ronald E. Gother who caused her to commit tax fraud. That fact was proven to a certainty by the false and fraudulent tax return filed by the reorganized Debtor under the control of the Racketeering Enterprise, which was managed and totally controlled by Gother and Jane L. Wingfield. (See First Amended Rico Complaint).

Had Petitioner known of those facts and known the fact that L&W attorneys, who Gother recommended Petitioner hire to represent the newly formed Partnership, had a conflict representing the Walt Disney Company, Petitioner would have never pledged his property valued at that time at $110,000,000, nor would he have contributed his monies of $11, 670,000 in the Montevideo Partnership Agreement, nor would Petitioner assign his notes secured by the real property totaling $9,289,000 and he certainly would not have signed any agreement with people like that. The whole deal has to be unwound back to where Petitioner was the sole owner of that valuable property. It must be returned, with the monies stolen from Petitioner. (See Appendix to First Amended RICO Complaint and Declaration on the detailed amount of his losses).

With regard to the Order Appellees sought Contempt from, that Order was made by a U.S. Bankruptcy Court without jurisdiction to dissolve a State of California Limited Partnership. Lacking jurisdiction, that Bankruptcy Court, in ignorance, failed to distribute Partnership assets to the two partners in their respective ownership positions; Petitioner was 77.44% Owner;

Sharon was a 22.26 % Owner. The net value of Partnership assets at the time of dissolution is asserted in First Amended RICO Complaint as $91,000,000. Petitioner was entitled to obtain his share of that value, calculated in First Amended RICO Complaint to have been $68,636,360.00. Instead, he received less than $1,000,000. The balance owed Petitioner has not yet been paid, and there is not one shred of evidence that;

> *" a final judgment rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties, and, as to them, constitutes an absolute bar to a subsequent action involving the same claim, demand or cause of action. - - - - - "*

Everything is still up in the air, *Res Judicata* is, not available to Appellees, nor to any other named Defendant's in RICO action, including lawyers at GD&C.

ARGUMENT AS TO FOURTH PART OF QUESTION;

It has been long accepted that Rule 65(d)'s "no reference requirements" must be observed in questions of contempt. Congress established and the Supreme Court holds: Construction of this procedural rule precluding order granting injunction from describing restrained acts by reference to another document must be strictly construed. [see Consumers Gas & Oil, Inc. v. Farmland Industries, Inc., (10th. Cir. 1996), 84 F.3d 367, 371]; [H.K. Porter Co., Inc. v. National Friction Products Corp., (7th. Cir. 1977), 568 F.2d 24, 27].

In December of 1995, Petitioner first discovered fraud on that Bankruptcy Court in Case No. LA 89 -27014 WL . The discovery was that a willful disobedience by Appellees and the law firm of Finer Kim & Stearns (Appellees and Cross Appellants in related case), took place with regard to the Court Ordered distribution of funds. Fraud discovered affected Petitioners substantial rights under the Seventh & Fourteenth Amendments, $950,000 of Petitioner's money was taken illegal from proceeds allocated to Petitioner by the Court.

Once the fraud was discovered, Petitioner called GD&C attorney Charles S. Battles, Jr. to discuss the effect of this new discovery on the apparently void 1992 Stipulated Settlement Agreement. That agreement had an attached Order of the Bankruptcy Court signed on 6/30/92 and entered 7/1/92. Battles was very alarmed that Petitioner proposed to seek vacature of the 1992 Settlement Agreement. Battles told Petitioner he would stop Petitioner, prohibiting him from disturbing the 7/1/92 Order and attached Settlement.

Petitioner was very surprised when he was first served with the Notice of Motion and Motion for Order to Show Cause and Order for Criminal/Civil Contempt. It was outrageous that GD&C filed a Motion to seek Criminal Contempt. It was equally outrageous that they reopened Bankruptcy Case specifically for that purpose. Then, they realized what they did and changed their papers to Move that Court for an Order to Show Cause Re Civil Contempt for which no notice was given, leaving Petitioner to "twist in the wind" with the intimidation of criminal charges. That was simply, unacceptable, premeditated, vicious manipulation of procedural due process. A pattern identified by the allegations in Petitioner's RICO Action.

Anyway, this was not an injunctive proceeding pursuant to FRCivP. Rule 65(d). There was no Notice of an Injunctive Hearing, there was no Temporary Restraining Order, and there was no Permanent Restraining Order as required for a Contempt Order to be obtained. The reason why Appellees could not obtain an injunction is because the only prohibition against Petitioner from suing Appellees was found in a document that did not exist at that time the Order was signed by the Judge. The Document was the "Mutual General Release" executed on 7/8/92, eight days after 6/30/92 when the Judge signed his Order. There was no possibility of contempt to be had against Petitioner under any stretch of Rule 65(d). Their three year effort at attempted contempt was a fraud on Court, which gave rise to the RICO action Petitioner filed against GD&C lawyers, Appellees and other Defendants. A copy of the "Mutual General Release" was included with Robert L. Wilson's Declaration in

Support of Motion for Order to Show Cause Re Civil Contempt filed in Bankruptcy Court on 2-23-96. Bankruptcy Court took Judicial Notice of the fact that this document was not in existance when the Judge signed the Order on 6/30/92. Bankruptcy Court's findings of fact were a mistake, Bankruptcy Court's affirmed Order is void. GD&C knew this fact, maliciously holding Petitioner in Contempt for three years. 9th Cir. Crt. App. repeated that legal error which is only reversible by Supreme Court.

The same document was available to the District Court on de novo review. District Court's affirmance of Bankruptcy Court's Order of Contempt was made in legal error. The same document was provided to the 9th Cir. Crt. App. on 3-20-98, Exhibit 19 to Declaration of Charles S. Battles, Jr. In Support of Preliminary Opposition to Appellant's Emergency Motion to Disqualify Council, in this Appeal. In addition, during the course of the Appeal, Petitioner requested Hon. Edward Rafeedie, Senior Judge, who affirmed Contempt Order at District Court to take another look and vacate his Order based on the findings he made in his decision of affirmance, entered 11-27-97, Judge Rafeedie wrote on pg. 9, ln. 3 - ln.15 on the following pg.:

" If the underlying 1992 Settlement Order does not comply with Rule 65 (d), Appellant Wojciechowski (Petitioner) cannot be held in contempt.

The sole possible bone of contention is whether the 1992 Settlement Order violates Rule 65(d)'s requirement that an Order not incorporate the terms of compliance by making 'reference to[any] other document'."

Judge Rafeedie continued;

" Specifically, the Settlement Order states: ' The Final Settlement Agreement is expressly incorporated herein by this reference and is hereby approved, and the parties thereto are hereby ordered to comply with the provisions and to perform each and all of their obligations as set forth therein' ."

Judge Rafeedie canceled the originally scheduled oral hearing on de novo review, denying Petitioner his right to be heard. Obviously, Petitioner would have pointed out orally, that

the key portion of the settlement agreement, the "General Mutual Release" was non-existent at the time of the 1992 Order. Petitioner would have also pointed out that the portions of the agreement signed by Petitioner, the day before, on 6/29/92, were definitely an incomplete part of another document signed separately. In fact these documents were "the other document", other than the Order signed by the Judge, on 6/30/92.

Judge Rafeedie continued;

"Although the Court notes that many courts have read Rule 65(d)'s 'no reference' requirement strictly (inserting footnote 5 which refers to the same cases Petitioner cites at the beginning of this argument), and under such jurisdictions the present Settlement Order might violate Rule 65(d), the Ninth Circuit Court of Appeals has read Rule 65(d) liberally. The primary purpose of Rule 65(d) is to ensure adequate notice to parties faced with the possibility of contempt. Davis v. City & County of San Francisco, 890 F.2d 1438, 1450 (9th Cir. 1989), cert. denied, 111 S.Ct. 248 (1990). An ordinary person reading the bankruptcy court's order should be able to ascertain from the document itself exactly what conduct is proscribed. Attaching the Final Settlement Agreement to the Settlement Order as an exhibit, and referring to the Agreement within the Order, is sufficient to put Wojciechowski on notice of the conduct proscribed. Id. (allowing incorporation by reference even where the document was not attached to the order); Thomas v. County of Los Angeles, 978 F.2d 504, 509-10 (9th Cir. 1992) (noting that incorporation of a single document is permissible, but that incorporating all the policies of a police agency would violate Rule 65); Henry Hope X-Ray Products, Inc. v. Marron Carrel, Inc., 674, F.2d 1336, `1343 (9th Cir. 1982) (permitting injunction to refer to a separate, sealed appendix)."

The legal error in Judge Rafeedie's "de novo" review is obvious; the "General Mutual Release" did not exist, therefore Petitioner "cannot be held in contempt", anywhere in the United States including the "liberal 9th Cir.", as Judge Rafeedie called it. Judge Rafeedie was on the right track at the

beginning, then he lost his way, lacking a required oral presentation on de novo review of complex issues. Otherwise, he wrote a well thought out Order, even if it was legally and factually incorrect.

The 9th Cir. Crt. App. followed suit and committed the same legal error, in the same manner, canceling the Oral Hearing a few days before it was scheduled. Petitioner was ready to point out emphatically what was contained in his papers and what is presented above. The "Oral Hearing" was scratched because, the Appellate Commissioner held GD&C's interests above those of Petitioner. That is prejudice.

Petitioner, trusts that the Supreme Court will uphold his Constitutional rights against Appellees/Respondents, by allowing Petitioner to proceed as soon as possible, unfettered in U.S. District Court to recover what was illegally taken from him. Also, the Supreme Court's supervisory power needs to be exercised over that "liberal and wayward" 9th Cir. Crt. App., it must be brought in line with the important decisions of this Court on Rule 65(d) to avoid procedural due process abuses to fundamental rights of individuals, as destroyed here. (See [USA Recycling, Inc. v. Town of Babylon,(N.Y 1995) 66 F.3d 1272, certiorari denied 116 S.Ct.1419,517 U.S. 1135,134 L.Ed. 2d 544, certiorari denied 116 S.Ct. 1452,c 517 U.S. 1150134 L.Ed 2d 571];[Dept. of Transp. ex. real. People v. Parr. (Ill. App. 3 Dist. 1996) 633 N.E. 2d 19, 198 Ill. Dec. 557, 259 Ill. App. 3d 602, appeal denied 642 N.E. 2d 1276, 205 Ill. Dec 159, 157 Ill 2d 497].

Procedural Due Process was abused here, through the unconstitutional deprivation of Constitutional rights without due process of law. Supreme Court consistently monitors such abuses and reverses Appellate opinions. Such deprivation and prejudice is found, in the prejudicial statements in 9th Cir.'s Opinion/Mandate see Appendix pg. 5-6. Such language as:

"Nor can there be any doubt of Wojciechowski's egregiously flagrant violations of the 1992 order. The Disney's, their associates and their advisors, had tholed his unceasing efforts to perform an economic

phlebotomy upon them long enough. As everyone realized, those efforts were to stop when the 1992 bankruptcy court order was entered."

is a glaring beacon, something went wrong. Petitioner has sufficiently pointed to acts of Appellate Commissioner to stir legitimate concern in the Supreme Court over the "goings on" which failed to meet established criteria required to determine what process is due in this particular situation, the three essential factors were obviously not considered; (1) private interest affected by official action, $150 Million +, Petitioner's RICO claim is a huge private interest; (2) risk of erroneous deprivation of interest through procedures used and probable value, if any, of additional or substitute procedural safe guards, such as a jury trial to determine the true facts is the only procedural safeguard but, it has been denied Petitioner for over 10 years. (3) governments interest, including function involved and fiscal administrative burdens that additional or substitute procedural requirement would entail, a $105 fee for appeal at the 9th. Cir. and a $300 fee here will never pay for the administrative fiscal burden cause by lower courts recalcitrant attitude toward applying the law. [See Phillips v. State Bd. of Regents of State University and Community College System of Tenn. (Tenn. 1993), 863 S. W. 2d 45]; [State v. Rhodes, (Idaho 1991) 795, Cert. denied 112 S.Ct. 2970, 504 U.S. 987, 119, L. Ed. 2d 590].

The Panel based it's opinion affirming Contempt on the broad and unspecific language it quoted, found not in the Judges Order, but, in some other document which is not even referenced in the Order [See Appendix Order Approving Final Settlement Agreement, page 7, 2nd ln. in 2nd para. (there is a blank date. Original document shows blank date on pg. 1 of Order, line 7)].

(1) On pg. 7. the Order shows a reference to an undated Settlement Agreement. How can the reader possibly know what agreement that reference refers to?

(2) The fact is that there was no final agreement until the "General Mutual Release" was signed on 7-8-92.

(3) The Order says; "The Final Settlement Agreement is expressly incorporated herein by this reference and is hereby approved - - -". The question is obvious; "What Final Settlement Agreement?" There was none until 7/8/92. The Judge signed the Order on 6/30/92, as shown on pg. 9 of Appendix.

It is clear legal error and factual blindness to have based this very important decision on this quotation from nowhere;

" - - - arising directly or indirectly from or related to the Partnership or the Bankruptcy Case."

That is a flagrant abuse of FRCivP. 65(d), there can be no Contempt upheld by Supreme Court.

Now, Supreme Court must weigh the above factors to determine whether procedural safeguards were adequate to provide due process. The 9th Cir. Crt. App. failed to provide such safeguards because of prejudice and corruption, depriving Petitioner of his guaranteed rights under the Seventh and Fourteenth Amendments to a jury trial.

CONCLUSION:

Petitioner, prays judgment that the Supreme Court grants certiorari and reviews the suspect elements of the judgment, applying it's supervisory power to eliminate prejudice and corruption at the Ninth Circuit Court of Appeals such as is described here and that Supreme Court appreciates these most important questions on this certiorari application.

Petitioner prays judgment of the Supreme Court to use this Writ of Certiorari for what it was designed; to accomplish and fulminate, the inferior court, from a botched opinion made in legal error as shown here and made over Petitioners objections to unsigned Answering Brief and Request for Judicial Notice filed by Appellees, containing prejudicial and false filings.

Petitioner prays judgment of the Supreme Court to set aside the inferior courts opinion/ mandate in this Case.

Petitioner prays judgment of the Supreme Court to order a vacature of contempt Order, allowing RICO case and Related Case to proceed unfettered against all defendants, including those "new other parties" identified in the Order as "Disney Defendants", and "Gother Defendants".

Petitioner prays judgment of the Supreme Court to grant relief sought in Rule 60(b) Motion at Ninth Circuit Court of Appeals. The last Footnote on Pg. 9 of Appendix, is absolute clear and convincing evidence that the $750,000 was to be paid to CRW, and no one else, all others were time barred by Order.

Submitted on May 28, 1999, Pebble Beach, California, by Private Attorney General:

Christopher R. Wojciechowski, Petitioner, Pro Se

Note #1. Petition for Writ of Certiorari in Related Case U.S.C.A. Docket No.97-16195, shall be filed in the Supreme Court as a companion case by June 8, 1999.

Note # 2. Another Companion Appeal, bypassing the 9th. Circuit Court of Appeals, where it has been already docketed and is due June 8, 1999, will be made instead, directly from the District Court to the Supreme Court pursuant to Rule 18. The Decision of the District Court involves a legally erroneous dismissal on Summary Judgment Motion of the law firm, Latham & Watkins, and it's attorneys; John F. (Jack) Walker; William J. Meeske and Vincent Herron, key Defendants in Petitioner's on-going RICO law suit. It is absolutely imperative to the preservation of Petitioners Constitutional due process rights, guaranteed by the Seventh & Fourteenth Amendments, to have the above parties reinstated in this RICO action. Further delay in processing that appeal at Ninth Circuit Court of Appeals, will undoubtedly result in yet, another obstruction of justice.

APPENDIX

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Not for Publication

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
MAY 12 1999
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

CHRISTOPHER R. WOJCIECHOWSKI,	) No. 97 - 56654
Plaintiff-Appellee,	) D.C.No CV 97 00826 ER
v.	) ORDER DENYING THE) PETITION FOR) REHEARING AND
MONTEVIDEO PARTNERSHIP et.al.,	) FOR REHEARING EN) BANC

Before: FERNANDEZ AND MC KEOWN, Circuit Judges, AND WEINER [1] , District Judge

The panel has voted to deny appellant's petition for rehearing and to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc and no active judge has requested a vote on whether to hear the matter en banc. Fed. R. App. P. 35

The Petition for rehearing is DENIED and the suggestion for rehearing en banc is REJECTED.

[1] Honorable Charles R. Weiner, Senior United States District Judge for Eastern District of Pennsylvania, sitting by designation.

Not for Publication

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
MAR 31 1999
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

In re: MONTEVIDEO PARTNERSHIP, a Calif. Limited Partnership, Debtor,	
CHRISTOPHER R. WOJCIECHOWSKI, Plaintiff-Appellee,	No. 97 - 56654
	D.C.No CV 97 00826 ER
v.	**MEMORANDUM**
MONTEVIDEO PARTNERSHIP et.al.,	

Appeal from the United States District Court
for the Central District of California
Edward Rafeedie, District Judge, Presiding

Footnote:
This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th. Cir. R. 36-3.

Submitted March 12, 1999[2]
San Francisco, California

Before: FERNANDEZ AND MC KEOWN, Circuit Judges, AND WEINER[3] , District Judge

Christopher R. Wojciechowski appeals the district court's order which determined that he was in contempt because he violated the provisions of a 1992 bankruptcy court order. We affirm.[4] The 1992 bankruptcy court order approved and adopted the terms of a settlement agreement which bound Wojciechowski and others, and among other things, precluded any further litigation by Wojciechowski, and associated entities, against a number of other entities and persons regarding claims "arising directly or indirectly from or related to the Partnership or the Bankruptcy Case."

We have carefully reviewed the record and are satisfied that the district court did not err when it determined that Wojciechowski was indeed in contempt, and that the bankrupt court had not erred when it so decided. See Peterson v. Highland Music, Inc., 140 F.3d 1313, 1323 (9th. Cir. 1998) cert. denied, ___ U.S.___, 119 S.Ct. 446,___L.Ed.2d___1998; Weolfard Glass blowing Co. v. Vanbragt, 118 F.3d 1320, 1322 & n.1

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2 The panel finds this case appropriate for submission without oral argument pursuant to Fed. R. App. P.34(a)(2).

3 Honorable Charles R. Weiner, Senior United States District Judge for Eastern District of Pennsylvania, sitting by designation.

4 We take judicial notice of various documents as requested by Canyon Oaks Estates, et.al., on April 21,1998.

(9th Cir. 1997); Caldwell v. Unified Capital Corp. (In re Rainbow Magazine, Inc.), 77 F.3d 278,284-85 (9th Cir. 1996). There can be no doubt that Wojciechowski was made painfully aware of the obligations imposed upon him by the very specific 1992 order issued against him. See Davis v. City & County of San Francisco, 890 F.2d 1438,1450 (9th Cir. 1989); cf. Thomas v. County of Los Angeles, 978 F.2d 504, 509 -10 (th Cir. 1992). Nor can there be any doubt of Wojciechowski's egregiously flagrant violations of the 1992 order. The Disney's, their associates and their advisors, had tholed his unceasing efforts to perform an economic phlebotomy upon them long enough. As everyone realized, those efforts were to stop when the 1992 bankruptcy court order was entered.[5]

We therefore, affirm the finding of contempt and the terms approved of by the District Court, including but not limited to, the provisions which directs that Wojciechowski dismiss with prejudice the persons and entities known as the "Disney Defendants" and the "Gother Defendants," from the action by Wojciechowski heretofore filled in the Superior Court of the State of California for the County of Monterey, case No. M-32577, which action was subsequently removed to the United States District Court for the Northern District of California, case No. C 96-21018 RMW (EMI), was dismissed by

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[5] We also note that the issuance of the contempt order did not violate the Anti-Injunction Act, 28 USC Sect. 2283. See Chick Kam Choo v. Exxon Corp., 486 U.S. 140, 145-48, 108 S.Ct. 1684, 1689 -90,100 L.Ed. 2d 127 (1988). Nor was the district court required to accord Wojciechowski an oral hearing before it ruled. See Castro v. Perez (in re Castro), 919 F.2d 107, 108 (9th Cir. 1990)

that court, and is now before us in the case known as Wojciechowski v. Walt Disney Concert Hall No. 1, No. 97-16195, and is disposed of by us on the same date as this matter.

AFFIRMED.

ORDER APPROVING FINAL SETTLEMENT AGREEMENT

Based upon the foregoing Stipulation re Final Settlement Agreement and Distribution of Settlement Proceeds and all other pleadings and papers on file in these proceedings, and good cause appearing therefor, this Court

FINDS that the attached Settlement Agreement dated as of June ___, 1992, by and between CRW Entities and Lund Entities (as such terms are defined therein) (the "Final Settlement Agreement") was entered into by the parties in good faith, that such Final Settlement Agreement is fair and reasonable, that the parties have stipulated and agreed to the distribution and allocation of the Second Settlement Payment and the Final Settlement Payment in the manner and amounts set forth below and that all parties thereto have consented and agreed to be bound by this Order approving the same.

IT IS HEREBY ORDERED:

A. The Final Settlement Agreement is expressly incorporated herein by this reference and is hereby approved, and the parties thereto are hereby ordered to comply with the provisions and to perform each and all of their obligations as set forth therein.

B. The Second Settlement Payment shall be allocated among and paid directly to the following entities by Lund Entities:

Payee	Amount
John T. Janosik	$ 200,000.00
Latham & Watkins	$ 222,981.68
U.S. Building Corp.	$ 20,000.00
Summit Land Company	$ 500,000.00
Wojciechowski,Rowlett&Naskar	$ 30,000.00
Montevideo Country Club, Inc.	$ 5,000.00
Viking Construction Corp.	$ 90,000.00
Angela Naskar Wojciechowski	$ 250,000.00
*Christopher R. Wojciechowski	$1,532,018.32
**Elizabeth R. Wojciechowski	$1,150,000.00
	$4,000,000.00

The disbursement in accordance with the foregoing shall constitute full and complete satisfaction

of the obligations of the Lund Entities under Paragraphs 3.A.(i) and 3.A.(ii) of the Order Enforcing Settlement and Paragraphs 2.2.2 and 4.2.1 of the Final Settlement Agreement.

C. The Final Settlement Payment shall be among and paid directly to the following entities by Lund Entities:

Payee	Amount
Angela Naskar Wojciechowski	$ 125,000.00
Christopher R. Wojciechowski	$ 125,000.00
	$ 250,000.00

The disbursements in accordance with the foregoing shall constitute full and complete satisfaction of the obligations of the Lund Entities under paragraphs 2.2.3 and 5.1 of the Final Settlement Agreement.

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*Lund Entities may, in their sole and absolute discretion, disburse a portion of this amount, not to exceed $50,000.00, to Wojciechowski or to third party creditors on his behalf, in advance of the Closing Date.

**This amount shall consist of direct payments by Lund Entities to Santa Monica Bank in the approximate amount of $376,718.54, to Leader Mortgage in the approximate amount of $61,483.54, and the remainder of such $1,150,000.00, in the approximate amount of $711,797.96, to Elizabeth R. Wojciechowski in care of her attorney's trust account. The precise amounts to be paid to Santa Monica Bank and Leader Mortgage shall be determined by their respective responses to a beneficiary demand and shall be sufficient to result in a full satisfaction of their respective notes and full reconveyance of their deeds of trust encumbering the property commonly known as 3001 Antelo View Drive, Los Angeles, California. The payments to Santa Monica Bank and Leader Mortgage shall be made by cashier's check indicating Christopher R. Wojciechowski as remitter.

D. This Court shall and hereby does retain jurisdiction to enforce this Order, including without limitation the Final Settlement Agreement as incorporated herein, and to resolve any disputes arising therefrom or relating thereto.

E. Notice of this Order shall be given to Indivest, Inc. and to Boyle Engineering, the only other parties who filed objections to the Order Enforcing Settlement Agreement who are not signatories to the foregoing Stipulation. No further notice of this Order is required.***

DATED: June 30, 1992 "s/_____"

William H. Lasarow
United States Bankruptcy Judge

LL921730.017

***The court finds that notice of the Order Enforcing Settlement Agreement, entered May 5, 1992, was given to all creditors and parties in interest. Any party wishing to object to the payment to CRW Entities, before the payment in full of claims held by non-affiliated entities, was given notice and an opportunity to be heard. With the exception of Indivest, Inc. and Boyle Engineering, all of the parties objecting to the settlement agreement are parties to the within stipulation. The only material difference to creditors between the Final Settlement Agreement and the prior settlement agreement incorporated into the Order Enforcing Settlement Agreement is that under the prior agreement CRW Entities were to be paid currently $1,500,000.00 of the settlement proceeds, with the remaining balance of $2,500,000.00 to be paid over a period of two years, whereas under the Final Settlement Agreement CRW Entities will be paid currently (either directly or indirectly through payments to the third parties listed above) the balance of $4,000,000.00 and an additional later payment of $250,000.00.

PLEADINGS FILED BY PETITIONER
IN THIS MATTER
ON APPEAL IN 9TH. CIR. CRT. OF APPEALS

DATE	PAPERS FILED
3/6/98	APPELLANTS OPENING BRIEF
3/6/98	EXCERPTS OF RECORD OF APPELLANT- VOL. I & II
3/10/98*	EMERGENCY MOTION: TO DISQUALIFY OPPOSING COUNSEL; (see accompanying motion to consolidate related Case 97-16195, 96, 97)
3/14/98*	MOTION TO SUPPLEMENT EMERGENCY MOTION: TO DISQUALIFY OPPOSING COUNSEL; AND, SUPPLEMENT TO MOTION, EMERGENCY MOTION UNDER CIR. RULE 27-3
3/23/98*	REPLY TO PRELIMINARY OPPOSITION OF APPELLEES, TO APPELLANTS EMERGENCY MOTION TO DISQUALIFY OPPOSING COUNSEL AND SUPPLEMENTAL EMERGENCY MOTION UNDER CIR. RULE 27-3
4/14/98	PRELIMINARY OPPOSITION OF PLAINTIFF/APPELLANT TO: MONTEVIDEO PARTNERSHIP, aka CANYON OAKS ESTATES, L.P., et. al., MOTION TO DISMISS APPEAL OR, IN THE ALTERNATIVE, TO STRIKE APPELLANTS OPENING BRIEF WITHOUT LEAVE TO REFILE; AND FOR SANCTIONS

* Date made, Conformed Copy is missing, from Appellants file.

5/5/98	MOTION OF APPELLANT CHRISTOPHER R. WOJCIECHOWSKI, FOR RULE 60(b) RELIEF, DECLARATION IN SUPPORT THEREOF; ACCOMPANYING REPLY BRIEF TO APPELLEES ANSWERING BRIEF; ACCOMPANYING MOTION TO STRIKE ANSWERING BRIEF FOR EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE & LACK OF SIGNATURE AND DATE
5/5/98	APPELLANTS REPLY BRIEF TO ANSWERING BRIEF; ACCOMPANYING MOTION OF APPELLANT TO STRIKE ANSWERING BRIEF FOR EXCLUSION OF RELEVANT EVIDENCE ON GROUNDS OF PREJUDICE & LACK OF SIGNATURE AND DATE, ACCOMPANYING MOTION OF APPELLANT CHRISTOPHER R. WOJCIECHOWSKI FOR RULE 60(b) RELIEF, DECLARATION IN SUPPORT THEREOF;
5/11/98	ORDER Appellants motion to strike answering brief and request for sanctions referred for disposition to panel
5/14/98	REPLY TO OPPOSITION; Of Robert B. Parsons, Bennett A. Rheingold, Scott C. Clarkson & Finer Kim & Stearns to Motion of Appellant C.R. Wojciechowski for Rule 60(b) Relief & Sanctions Requested.
5/18/98	APPELLANTS MOTION FOR: AND REQUEST FOR ORDER SUMMARILY ENFORCING COURT ORDER ONLY AS TO; DISTRIBUTION OF PROCEEDS TO APPELLANT, & OTHER RULE 60(b)

RELIEF SOUGHT IN APPELLANTS PRIOR MOTION

5/21/98 APPELLANTS, REPLY TO APPELLEES LATE OPPOSITION TO APPELLANTS MOTIONS FOR RULE 60(b) RELIEF AND TO STRIKE ANSWERING BRIEF

6/3/98 APPELLANTS, REPLY TO APPELLEES OPPOSITION TO APPELLANTS MOTIONS FOR: & REQUEST FOR ORDER SUMMARILY ENFORCING COURT ORDER ONLY AS TO: DISTRIBUTION OF PROCEEDS TO APPELLANT AND OTHER RULE 60(b) RELIEF SOUGHT IN APPELLANTS PRIOR MOTION

6/11/98 ORDER Dismissing motion for Rule 60(b) relief signed by Peter L. Shaw, Appellate Commissioner

6/18/98 APPELLANTS, PETITION FOR RECONSIDERATION & REHEARING OF APPELLATE COMMISSIONERS DISPOSITIVE ORDER OF 6/11/98

6/19/98 ORDER Re: No mediation

6/22/98 STATEMENT OF APPELLANT, CHRISTOPHER R. WOJCIECHOWSKI REGARDING COMBINED ORAL HEARING

6/30/98 APPELLANTS, REPLY TO OPPOSITION OF APPELLEES; TO APPELLANTS PETITION FOR RECONSIDERATION & REHEARING OF APPELLATE COMMISSIONERS DISPOSITIVE ORDER OF 6/11/98

7/7/98 APPELLANTS, OBJECTIONS IN REPLY TO OPPOSITION OF APPELLEES: CANYON OAKS

	ESTATES, L.P. et. al., TO APPELLANTS PETITION FOR RECONSIDERATION & REHEARING OF APPELLATE COMMISSIONERS DISPOSITIVE ORDER OF 6/11/98
7/22/98	ORDER Granting Appellants motion for reconsideration on Order of 6/11/98
7/29/98	MOTION FOR COURT ORDER & INVESTIGATION BY U.S. ATTORNEY TO OBTAIN CONCEALED RECORDS & INFORMATION ON MATTERS BEFORE THIS COURT
8/11/98	APPELLANTS REPLY TO OPPOSITION OF APPELLEES CANYON OAKS ESTATES, L.P. et. al., TO APPELLANTS MOTION FOR COURT ORDER & INVESTIGATION BY U.S. ATTORNEY TO OBTAIN CONCEALED RECORDS & INFORMATION ON MATTERS BEFORE THIS COURT & APPELLANTS OPPOSITION TO REQUEST FOR SANCTIONS
10/5/98	APPELLANTS SUPPLEMENT TO PENDING MOTION FOR COURT ORDERED INVESTIGATION BY U.S. ATTORNEY ETC. FILED 8/1/98 INCLUDING CRIMINAL CHARGES AGAINST APPELLEES HEREIN
10/20/98	APPELLANTS REBUTTAL TO APPELLEES CANYON OAKS ESTATES, L.P., et. al., RESPONSE TO APPELLANTS SUPPLEMENT TO PENDING MOTION FOR COURT ORDERED INVESTIGATION BY U.S. ATTORNEY, etc. Rec. 10/16/98
10/20/98	DECLARATION OF CHRISTOPHER R. WOJCIECHOWSKI IN SUPPORT OF

	APPELLANTS REBUTTAL TO APPELLEES CANYON OAKS ESTATES, L.P., et. al, RESPONSE TO APPELLANTS SUPPLEMENT TO PENDING MOTION FOR COURT ORDERED INVESTIGATION BY U.S. ATTORNEY, etc., Rec. 10/16/98
1/26/99	MOTION TO FILE SUPPLEMENTAL BRIEF BASED ON POST BRIEFING DEVELOPMENTS & 11/4/98, 9TH CIR. TAX COURT RULING IN POPE & TALBOT v. COMMISSIONER OF INTERNAL REVENUE, REQUEST FOR EXPEDITED RELIEF TO CONFORM TAX COURT RULING TO THIS CASE & RELATED CASE FRAP 28 (J) CIR. RULE 34-3(5) 28 USC 1657
2/16/99	APPELLANTS REPLY TO OPPOSITION OF FINER KIM & STEARNS ATTORNEYS et. al., TO: MOTION TO FILE SUPPLEMENTAL BRIEF BASED ON POST BRIEFING DEVELOPMENTS & 11/4/98, 9TH CIR. TAX COURT RULING IN POPE & TALBOT v. COMMISSIONER OF INTERNAL REVENUE, REQUEST FOR EXPEDITED RELIEF TO CONFORM TAX COURT RULING TO THIS CASE & RELATED CASE FRAP 28(J) CIR. RULE 34-3(5) 28 USC 1657
3/1/99	APPELLANTS OBJECTION TO VACATURE OF ORAL HEARING & DENIAL OF PENDING MOTIONS BY CLERK
3/5/99	APPELLANTS DECLARATION OF NEW EVIDENCE RECEIVED ON 3/2/99, FROM FORMER ATTORNEY OF APPELLEE ADMITTING NO CONTEMPT, & EVIDENCE

	ADMITTING APPELLEES AVOIDANCE OF RESPONSIBILITY UNDER 26 USC 311(d)(1) RECENTLY AFFIRMED BY THIS COURT IN POPE & TALBOT v. COMISH. OF INTERNAL REVENUE CASE NO. 97-71359
3/31/99	MEMORANDUM: Appellate Panels Opinion Re: Contempt, AFFIRMED
4/13/99	APPELLANTS PETITION FOR REHEARING WITH SUGGESTION FOR REHEARING EN BANC (With Appendix containing First Amended RICO Complaint)
4/21/99	OBJECTIONS OF APPELLANT A PRIVATE ATTORNEY GENERAL TO BILL OF COSTS OF CANYON OAKS ESTATES, L.P. et. al.
5/3/99 *	APPELLANTS PETITION FOR REHEARING WITH SUGGESTION FOR REHEARING EN BANC
5/12/99	ORDER Denying the Petition for Rehearing and for Rehearing En Banc
5/19/99	MOTION REQUESTING STAY OF MANDATE PENDING PETITION TO U.S. SUPREME COURT FOR WRIT OF CERTIORARI